IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 1860 of 1988
With
FIRST APPEAL No. 1865 of 1988

For Approval and Signature:
HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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VEENA WD/O GOKALNATH PESHIN & 3 - Appellant(s)
Versus
KISHANBHAI GOPALBHAI AGARWAL & 1 - Defendant(s)

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Appearance :
MR SHALIN N MEHTA for Appellants.
MS MAYA DESAI for Respondents.

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 11/07/2007

ORAL JUDGMENT

1. Heard Mr.Shalin N.Mehta, learned counsel for the appellants and Ms.Maya Desai, learned counsel for the respondents.

2. The parties submit that the dispute between the parties in both the appeals has been settled between the parties. It is submitted by the parties that the amount awarded by the Motor Accident Claims Tribunal (Main), Vadodara continues to be in deposit with the Bank, out of the said amount, the appellants of First Appeal No.1860 of 1988 would refund a sum of Rs.3,15,000=00 to Gujarat State Road Transport Corporation and on that being done, the entire matter would stand settled.

3. Ms.Desai, learned counsel for the Gujarat State Road Transport Corporation submits that on payment of Rs.3,15,000=00 only, the matter would stand settled.

4. In view of the joint submissions of the parties, both the appeals are disposed of with a direction that the Motor Accident Claims Tribunal (Main), Vadodara shall withdraw the entire amount lying in the deposit with State Bank of India, Lalbaug Branch, Vadodara and pay a sum of Rs.3,15,000=00 to the Gujarat State Road Transport Corporation and the balance amount to Mrs.Veena Peshin widow of Gokalnath Peshin, in full and final settlement of the claim.

5. If the tribunal finds any difficulty in withdrawing the money, then, the tribunal shall immediately request this Court to modify this judgement and in case, it is found that the money has been deposited by officers of this Court, then also the parties would be free to make an application for modification of this judgement.

Direct Service is permitted.

(R.S. GARG, J.)

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